

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

1 RUTH L. MARTINEZ, et al.,
2 Plaintiffs,

3 v.

4 ESTATE OF FERNANDO LOPEZ,
5 Defendants/Third-Party Plaintiffs,

6 v.

7 CARIBBEAN AIRLINES SERV., INC., et al.,
8 Third-Party Defendants.

9 MARIANA T. TERRITO, et al.,
10 Plaintiffs,

11 v.

12 CARIBBEAN AIRLINES SERV., INC., et al.,
13 Defendants.

14 ESTATE OF FERNANDO LOPEZ,
15 Defendants/Third-Party Plaintiffs,

16 v.

17 THE CESSNA AIRCRAFT COMPANY, et al.,
18 Third-Party Defendants.

CIVIL NO. 98-1552 (RLA)

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U.S. DISTRICT COURT
SAN JUAN, PR

CIVIL NO. 98-1583 (RLA)

19 ORDER DISMISSING "FIRST PARTY" CLAIMS
20 ASSERTED IN THIRD-PARTY COMPLAINTS AGAINST CESSNA AND AVCO

21 The Court having reviewed the arguments presented by the
22 parties agrees with petitioners' position that the "first party"
23 claims seeking compensatory damages directly from the third-party
24 defendants are both procedurally defective as well as time-barred.
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2 Accordingly, Defendant The Cessna Aircraft Company's Motion to
3 Dismiss... filed on August 10, 1999 (docket No. 40)¹ and Third-Party
4 Defendant Avco Corp.'s Motion to Dismiss... filed on August 13, 1999
5 (docket No. 42)² are hereby **GRANTED** as follows.

6 **CESSNA**

7 Counts V and VII of the third-party complaint filed by the
8 ESTATE OF FERNANDO LOPEZ and his son in Civ. No. 98-1552 on June 8,
9 1999 (docket No. 28) and Counts II and III of the third-party
10 complaint filed by the ESTATE OF FERNANDO LOPEZ and his son in Civ.
11 No. 98-1583 on June 24, 1999 (docket No. 32) are hereby **DISMISSED**
12 insofar as they relate to **CESSNA AIRCRAFT CO.**
13

14 Partial Judgment shall be entered accordingly.

15 It is further ORDERED that the indemnification claims asserted
16 against **CESSNA AIRCRAFT CO.** in Count IV the aforementioned third-
17 party complaint filed in Civ. No. 98-1552 and Count I of the
18 aforementioned third-party complaint filed in Civ. No. 98-1583
19 remain outstanding.
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23 ¹ All docket numbers pertain to Civ. No. 98-1552.

24 ² See Defendant and Third-party Plaintiff the Estate of
25 Fernando Lopez's Opposition... filed on August 20, 1999 (docket No.
26 43). Cessna Aircraft's Motion for Leave to File Reply, filed on
August 25, 1999 (docket No. 44) and Motion Joining Cessna Aircraft's
Reply... filed by AVCO CORP. on August 31, 1999 are **GRANTED**.

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2 It is further ORDERED that unless third-party plaintiffs
3 properly serve CESSNA AIRCRAFT CO. with all pertinent pleadings and
4 submit evidence thereof on or before September 30, 1999, the claims
5 asserted against it will be dismissed for lack of prosecution.

6 **AVCO/LYCOMING**

7 Counts V and VII of the third-party complaint filed by the
8 ESTATE OF FERNANDO LOPEZ and his son in Civ. No. 98-1552 on June 8,
9 1999 (docket No. 28) and Counts II and III of the third-party
10 complaint filed by the ESTATE OF FERNANDO LOPEZ and his son in Civ.
11 No. 98-1583 on June 24, 1999 (docket No. 32) are hereby **DISMISSED**
12 insofar as they relate to **AVCO CORP. incorrectly named as LYCOMING**
13 **ENGINE CO., LYCOMING ENGINE CORP. and LYCOMING TEXTRON CORP.**

14
15 Partial Judgment shall be entered accordingly.

16 It is further ORDERED that the indemnification claims asserted
17 against **AVCO CORP. incorrectly named as LYCOMING ENGINE CO.,**
18 **LYCOMING ENGINE CORP. and LYCOMING TEXTRON CORP.** in Count IV the
19 aforementioned third-party complaint filed in Civ. No. 98-1552 and
20 Count I of the aforementioned third-party complaint filed in Civ.
21 No. 98-1583 remain outstanding.

22
23 It is further ORDERED that unless third-party plaintiffs
24 properly serve **AVCO CORP. incorrectly named as LYCOMING ENGINE CO.,**
25 **LYCOMING ENGINE CORP. and LYCOMING TEXTRON CORP.** with all pertinent
26

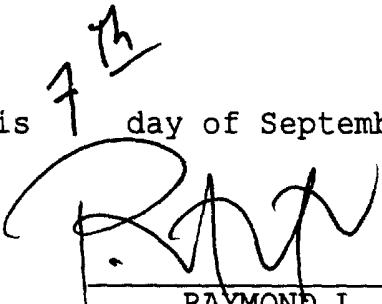
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pleadings and submit evidence thereof on or before September 30,
1999 the claims asserted against it will be dismissed for lack of
prosecution.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 7th day of September, 1999.



RAYMOND L. ACOSTA
United States District Judge